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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,248	01/23/2004	Kathleen M. Frigon	MFCP.110229	8055

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EXAMINER
BLACKWELL, JAMES H

ART UNIT	PAPER NUMBER
2176	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/764,248	FRIGON ET AL.
	Examiner	Art Unit	
	James H. Blackwell	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>14 January 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-32 and 34-39</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) <u>1-32 and 34-39</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>23 January 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submissions filed on

12/26/2006 (and copy filed 01/24/2007) have been entered.

2.   The original priority date is **01/23/2004**.

3.   Claims 1-32 and 34-39 are pending. Claims 1, 20, and 34 are independent

claims.

4.   Objection to dependent Claim 17 was withdrawn as necessitated by amendment.

It now depends from Claim 1.

Claim Objections

5.   Claim 17 status label should have indicated that it had been "amended" (e.g.,

Claim 20); Claim 33 should have indicated that it had been "cancelled" rather than

"withdrawn".

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 1-2, 5-6, 20, 22, 34, and 36 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Edelman (U.S. Patent No. 5,680,563 filed 07/25/1994, issued

10/21/1997) in view of Bolnick et al. (hereinafter Bolnick, U.S. Patent No. 5,838,317 filed

06/30/1995, issued 11/17/1998), and in further view of Gargi et al. (hereinafter Gargi,

U.S. Patent Application Publication No. 2005/0027712 A1 filed 07/31/2003, published

02/03/2005).

In regard to independent Claim 1 (and similarly independent Claims 20, and

34), Edelman discloses:

- *a computer system for presenting a plurality of items to a user, the system*

  comprising:

  - o *one or more filters selectable by the user which may be applied to said*

    plurality of items to select one or more filtered items each of said filters

    having an associated default grouping (see Figs. 2, 5-8 showing menus

    with filters for controlling what icons are displayed on the desktop display;

    Fig. 6 shows a submenu for Filters that shows the ways that the icons can

    be grouped and displayed on the desktop).

It is also noted that <u>Edelman</u> discloses that the filtered out items are gathered into a bundle of unusable items and displayed in a group (Abstract).

<u>Edelman</u> fails to disclose:

- *an item grouping component configured to divide said one or more filtered items into a plurality of groups automatically in accordance with at least one default grouping associated with one of said one or more filters, wherein each of at least a portion of said plurality of groups include one or more group characteristics shared by the items in the group, <u>wherein said item grouping component is further configured to utilize said one or more group characteristics to generate one or more group titles for at least a portion of said plurality of groups;</u> and*

However, <u>Bolnick</u> discloses a desktop onto which a user can define a plurality of regions (frames) into which graphical representations of files, folders, applications (icons) will be automatically placed (grouped) upon a user dropping those icons (or presumably creating those icons as one would create a new file and then save it) into a given frame according to rules assigned to each of the frames as to what content should be placed into those frames. This automatic feature is switched on within the defined preferences assigned to a given frame via an Auto-Fetch field 122 which specifies whether the display arrange system will automatically place a displayed moveable graphical representation corresponding to a computer resource meeting the filter criterion for a frame within the border of the selected frame assuming all other conditions are met (i.e., empty cells exist, the frame has precedence over other frames having acceptable filter properties, etc.). When an object is dropped by a user onto the

Desktop, precedence is first given to a frame that receives the drop, then from lowest to

highest index value in all frames in which the Auto-Fetch field 122 has been set. The

Auto-Arrange field 120 is automatically set for a frame when the Auto-Fetch field 254 is

set for the frame. Therefore, local tidying is invoked whenever a new icon or minimized

window is added to a frame via the auto-fetch automatic behavior for the frame. The

Auto-Fetch automatic behavior is disabled in all frames where the Filtering field 68

specifies full query filtering (Col. 12, lines 29-46).

It is also noted that each of the graphical representations have associated with them

a number of parameters describing such things as file size, type, etc.

Thus, Bolnick discloses an automatic grouping of objects (icons) on a display screen

according to rules.

It would have been obvious to one of ordinary skill in the art at the time of invention

to combine the disclosures of Edelman and Bolnick as both inventions relate to layout

and grouping items on a display. Adding the disclosure of Bolnick provides the benefit of

the grouping and display to be performed automatically and according to rules.

Both Edelman and Bolnick fail to disclose:

- *wherein said item grouping component is further configured to utilize said one or more group characteristics to generate one or more group titles for at least a portion of said plurality of groups;*

However, Gargi discloses (Pg. 6, Paragraph [0071]; Fig. 6;→ Fig. 6 shows an

embodiment of a method of organizing a collection of objects. Objects from the

collection are segmented (step 230). Layout engine 164 extracts context-related meta

data that is associated with the objects and is parsable into multiple levels of a name

hierarchy (step 232). Segmenting objects is understood to mean "clustering" objects into

clusters or groups/sub-groups.

Gargi further discloses (Pg. 6, Paragraphs [0074-0075]; Fig. 6;→ after the context-

related meta data has been extracted (step 232), <u>names are assigned to clusters based</u>

<u>on the extracted context-related meta data</u> corresponding to a level of the name

hierarchy selected to distinguish segmented clusters from one another (step 234). In

one implementation, names are assigned to clusters based on extracted context-related

meta data corresponding to the highest levels of the name hierarchy that distinguish

clusters from each other. The resulting clusters are referred to herein as being

"minimally-labeled". Thus, cluster component (objects) are involved in creating names.

It would have been obvious to one of ordinary skill in the art at the time of invention

to combine the disclosures of <u>Edelman</u>, <u>Bolnick</u>, and <u>Gargi</u> as all three inventions are

related to grouping objects on a display. Adding the disclosure of <u>Gargi</u> provides the

benefit of uniquely identifying objects within a group or groups.

<u>Edelman</u> also fails to disclose:

- *an item presentation display component which presents to the user at least a*

  portion of said plurality of groups wherein said portion of said plurality of groups

  are presented along with at least a portion of said one or more group titles that

  indicate at least one of said one or more group characteristics.

However, <u>Bolnick</u> discloses such a limitation (see Fig. 1;→ discloses claim limitation

including group titles).

It would have been obvious to one of ordinary skill in the art at the time of invention

to combine the disclosures of <u>Edelman</u> and <u>Bolnick</u> as both inventions relate to layout

and grouping items on a display. Adding the disclosure of <u>Bolnick</u> provides the benefit of

the grouping and display to be performed automatically and according to rules.

In regard to dependent Claims 2 and 5, <u>Edelman</u> discloses:

- *one or more of the filtered items has an associated visual representation, which*

  may be presented to the user (Figs. 5-8;→ depict items as icons, the icons

  portraying what sort of files they are).

Claim 5 relates similar subject matter to that of Claim 2 and is rejected along the

same rationale.

In regard to dependent Claim 6 (and similarly dependent Claims 22, and 36),

<u>Edelman</u> discloses:

- *said selected filter chooses said filtered items by selecting items having one or*

  more desired characteristics (see Abstract; all items not matching a particular

  characteristic are filtered out)

8.   Claims 3-4, 7-19, 21, 23-32, 35, and 37-39 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Edelman in view of Bolnick, and in further view of Gargi,

and in further view of Engst ("iPhoto 2 for Mac OS X: Visual Quickstart Guide",

Copyright 04/21/2003, Peachpit Press).

In regard to dependent Claims 3-4, 21 and 35, <u>Edelman</u> fails to explicitly disclose:

- *one or more of the filtered items are digital images.*

However, <u>Engst</u> discloses a display screen that displays users digital images, which are typically photographs (Pgs 1-3). Claims 4, and 21 relate similar subject matter to that of Claim 3 and are rejected along the same rationale.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of <u>Edelman</u> and <u>Engst</u> as both inventions relate to organizing and displaying objects on a screen. Adding the disclosure of <u>Engst</u> provides the benefit of a convenient way to organize digital images on a computer.

In regard to dependent Claims 7-14, 23-25 and 37, <u>Edelman</u> fails to disclose:

- *said selected filter chooses the filtered items by selecting items having an associated date and/or time within a desired interval of time.*

However, <u>Engst</u> teaches that date/time information can be added into a title; and the content of titles are searchable (Pgs. 4-6). The dates/times that are input can be searched. Matches are then displayed accordingly (alphabetically, numerically increasing/decreasing order).

Claims 8-14, and 23-25 relate similar subject matter to that of Claim 7 and are rejected along the same rationale.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of <u>Edelman</u> and <u>Engst</u> as both inventions relate to organizing and displaying objects on a screen. Adding the disclosure of <u>Engst</u> provides

the benefit of organizing and displaying digital images on a computer based on

specified characteristics (metadata).

In regard to dependent Claims 15-16, 27-28 and 38, Edelman fails to explicitly

disclose:

- *said selected filter chooses said filtered items by selecting items stored within a*

  desired file folder.

However, Engst discloses albums, which are individual folders that act to group

photographs with similar attributes (e.g., subject matter, rolls, etc) (Pgs. 7-9 show

various albums (folders).

Claims 16, and 27-28 relate similar subject matter to that of Claim 15 and are

rejected along the same rationale.

It would have been obvious to one of ordinary skill in the art at the time of invention

to combine the disclosures of Edelman and Engst as both inventions relate to

organizing and displaying objects on a screen. Adding the disclosure of Engst provides

the benefit of organizing and displaying digital images on a computer by albums.

In regard to dependent Claim 17-19, 29-31 and 39, Edelman fails to disclose:

- *said selected filter chooses said filtered items by selecting items associated with*

  one or more desired keywords.

However, Engst discloses searching (filtering) photos according to keywords that are

assigned to them (Pg. 10-12).

Claims 18-19 relate similar subject matter to that of Claim 17 and are rejected along the same rationale.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of <u>Edelman</u> and <u>Engst</u> as both inventions relate to organizing and displaying objects on a screen. Adding the disclosure of <u>Engst</u> provides the benefit of organizing and displaying digital images on a computer by similar keywords.

In regard to dependent Claim 26, <u>Edelman</u> fails to explicitly disclose:

- *said default grouping utilizes one or more gaps in time to group the filtered digital images.*

However, <u>Engst</u> discloses the concept of a film roll, which are groupings of photographs taken/loaded over the same time interval. Multiple rolls are displayed separately where gaps in time would exist thereby separating/grouping the rolls by time/date (Pgs. 10-12).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the disclosures of <u>Edelman</u> and <u>Engst</u> as both inventions relate to organizing and displaying objects on a screen. Adding the disclosure of <u>Engst</u> provides the benefit of organizing and displaying digital images on a computer by temporal gaps.

In regard to dependent Claim 32, <u>Edelman</u> discloses:

- *the one or more group characteristics are subsets of the desired characteristic* in that the filtering system is provided with a flexible interface by using object-oriented programming techniques and providing filtering objects organized in a filtering framework containing the filter objects. New filter objects can inherit function from existing filter objects and customized for a particular requirement (Col. 1, lines 48-52). Thus, filtering objects can be arranged and filtered hierarchically whereby characteristics (objects) may have parent (superset) or children (subsets) characteristics (objects). Thus, when filtering takes place, filtering objects would be grouped according the hierarchy.

Response to Arguments

9.   Applicants argue that neither Edelman nor Bolnick disclose the limitations of amended independent claims 1, 20 and 34. Specifically, Applicants argue that the prior art fails to disclose the amended limitation, wherein said item grouping component is further configured to utilize said one or more group characteristics to generate one or more group titles for at least a portion of said plurality of groups.

The Examiner respectfully agrees and introduces the prior art of Gargi et al., which discloses the naming of objects, groups (clusters) of objects based on group metadata.

Conclusion

10.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Blackwell whose telephone number is 571-272-4089. The examiner can normally be reached on Mon-Fri.

11.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12.   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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03/26/2007

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